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Sughrue

SUGHRUE MION, PLLC

George Lehnigk

T 202-663-7435
glehnigk@sughrue.com2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213T 202.293.7060
F 202.293.7860

www.sughrue.com

January 16, 2004

MAIL STOP PATENT APPLICATIONCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-145017497 U.S. PTO
10/758118
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Re: Application of Juergen HARTMAIER, Damian FIOLKA, Markus ZENZINGER, Birgit MECKING, Olaf DITTMANN, Toralf GRUNER, Vladimir KAMENOV, and Martin BRUNOTTE
 RETARDATION ELEMENT MADE FROM CUBIC CRYSTAL, AND AN OPTICAL SYSTEM THEREWITH
Assignee: CARL ZEISS SMT AG
 Our Ref: Q79392

Dear Sir:

This is a request for a Continuation-in-Part Application of pending prior Application No. PCT/DE02/02392, filed June 25, 2002, of Juergen HARTMAIER, Damian FIOLKA, Markus ZENZINGER, Birgit MECKING, Olaf DITTMANN, Toralf GRUNER, Vladimir KAMENOV, and Martin BRUNOTTE entitled RETARDATION ELEMENT MADE FROM CUBIC CRYSTAL, AND AN OPTICAL SYSTEM THEREWITH.

Attached hereto is the Continuation-in-Part Application comprising the specification consisting of twenty-seven (27) pages, including the claims and abstract and two (2) sheets of drawings. Also enclosed is one of the priority documents from which priority is claimed.

The present application is being filed as a Continuation-in-Part Application, under 35 U.S.C. § 111 (a) and 37 C.F.R. § 1.53, of International Application PCT/DE02/02392, filed June 25, 2002, in accordance with the procedures outlined in Sections 1895 et seq. of the Manual of Patent Examining Procedure. To facilitate the Examiner's review, Applicants are submitting herewith a copy of the Cover Page of the published International Application and a copy of the PCT Request.

The a copy of an executed Declaration and Power of Attorney, and a copy of an executed Assignment with Form PTO 1595 will be submitted at a later date.

The Government filing fee is calculated as follows:

Total claims	<u>32</u>	-	20	=	<u>12</u>	x	\$18.00	=	<u>\$216.00</u>
Independent claims	<u>8</u>	-	3	=	<u>5</u>	x	\$86.00	=	<u>\$430.00</u>
Base Fee									<u>\$770.00</u>
TOTAL FEE									<u>\$1416.00</u>



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A check for the statutory filing fee of \$770.00 is attached. The Office is hereby directed and authorized to charge the excess claim fee of \$216.00 and the excess independent claim fee of \$430.00 to Deposit Account 19-4880. Also, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this transmittal letter is attached.

Priority is claimed from:

<u>Country</u>	<u>Application No</u>	<u>Filing Date</u>
Germany	101 33 842.2	July 18, 2001
Germany	103 01 548.5	January 16, 2003
PCT	PCT/EP03/01475	February 14, 2003

A copy of German Priority Document 103 01 548.5 is enclosed. **Copies of the other two documents from which priority is claimed will be submitted at a later date.**

The application is timely filed.

Respectfully submitted,
SUGHRUE MION, PLLC
Attorneys for Applicant

By 
George F. Lehnigk
Registration No. 36,359

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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